

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 359 be amended to read as follows:

- 1 Page 5, between lines 13 and 14, begin a new paragraph and insert:
- 2 "SECTION 4. IC 5-16-5.5-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this
- 4 chapter:
- 5 "State agency" means the state of Indiana or any commission or
- 6 agency created by law.
- 7 "Agent" shall include any board, commission, trustee, officer or
- 8 agent which acts on behalf of a state agency.
- 9 "Public building", "public work" and "public improvement" or
- 10 combinations thereof shall be construed to include all buildings, work
- 11 or improvements the cost of which is paid for from public funds but
- 12 shall not include highways, roads, streets, alleys, bridges and
- 13 appurtenant structures situated on streets, alleys, **railroad projects (as**
- 14 **defined in IC 8-5-15-1)** and dedicated highway rights-of-way.
- 15 "Substantial completion" shall be construed to mean the date when
- 16 the construction of a structure or building is sufficiently completed, in
- 17 accordance with the plans and specifications, as modified by any
- 18 completed change orders agreed to by the parties, so that the state
- 19 agency can occupy the structure or building for the use for which it was
- 20 intended. Furthermore, the warranty period shall commence no later
- 21 than the date of substantial completion.
- 22 "Contractor" shall mean any person, firm, limited liability company,
- 23 or corporation who is party to a contract with a state agency to
- 24 construct, erect, alter or repair any public building or is any way
- 25 involved in public work or public improvement.

1 "Subcontractor" shall mean and include any person, firm, limited
2 liability company, or corporation who is a party to a contract with the
3 contractor and who furnishes and performs on-site labor on any public
4 building, work or improvement. It also shall include materialmen who
5 supply contractors or subcontractors as contained herein.

6 "Retainage" means any amount to be withheld from any payment to
7 a contractor or subcontractor pursuant to the terms of a contract until
8 the occurrence of a specified event.

9 "Escrowed principal" shall mean the value of all cash and securities
10 or other property at the time placed in an escrow account.

11 "Escrowed income" shall mean the value of all property held in an
12 escrow account over the escrowed principal in such account."

13 Renumber all SECTIONS consecutively.
(Reference is to ESB 359 as printed February 21, 2006.)

Representative Ayres